

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARTIN FARIAS,

Plaintiff,

v.

CISNEROS, *et al.*,

Defendants.

Case No. 1:22-cv-00563-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITH PREJUDICE, FOR FAILURE
TO STATE A CLAIM, FAILURE TO OBEY
COURT ORDER, AND FAILURE TO
PROSECUTE

(ECF No. 14)

Plaintiff Martin Farias (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 22, 2022, the assigned Magistrate Judge granted Plaintiff leave to file a first amended complaint or a notice of voluntary dismissal. (ECF No. 12.) Plaintiff was expressly warned that if he failed to file an amended complaint in compliance with the Court’s order, this action would be dismissed for failure to state a claim and failure to obey a court order. (*Id.* at 11.)

On August 9, 2022, following Plaintiff’s failure to communicate with the Court, the Magistrate Judge issued findings and recommendations recommending dismissal of this action, with prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915A, failure to obey a Court order, and failure to prosecute. (ECF No. 14.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 12.) More than fourteen days have passed, and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that
3 the Magistrate Judge's findings and recommendations are supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued on August 9, 2022, (ECF No. 14) are
7 adopted in full;
- 8 2. This action is dismissed, with prejudice, due to Plaintiff's failure to state a claim,
9 failure to obey a court order, and failure to prosecute; and
- 10 3. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: September 13, 2022

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14 SENIOR DISTRICT JUDGE
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